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Meeting of States Parties

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Annual report of the International Tribunal for the Law of the Sea for 2005

Presented by the Tribunal

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I. Introduction

1. The present report of the International Tribunal for the Law of the Sea is submitted to the Meeting of States Parties under rule 6, paragraph 3 (d), of the Rules of Procedure for Meetings of States Parties and covers the period from 1 January to 31 December 2005.

2. The Tribunal was established by the 1982 United Nations Convention on the Law of the Sea (hereinafter "the Convention"). It functions in accordance with the relevant provisions of Part XV and Part XI of the Convention, the Statute of the Tribunal (hereinafter "the Statute"), as contained in annex VI to the Convention, and the Rules of the Tribunal (hereinafter "the Rules").

3. The Tribunal is composed of 21 members, elected by the States Parties to the Convention in the manner provided for by article 4 of the Statute.

4. In accordance with article 5, paragraph 1, of the Statute, the terms of office of seven members expired on 30 September 2005.

5. Up to 30 September 2005, the composition of the Tribunal was as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President		
L. Dolliver M. Nelson	Grenada	30 September 2005
Vice-President		
Budislav Vukas	Croatia	30 September 2005
Judges		
Hugo Caminos	Argentina	30 September 2011
Vicente Marotta Rangel	Brazil	30 September 2008
Alexander Yankov	Bulgaria	30 September 2011
Soji Yamamoto	Japan	30 September 2005
Anatoly Lazarevich Kolodkin	Russian Federation	30 September 2008
Choon-Ho Park	Republic of Korea	30 September 2005
Paul Bamela Engo	Cameroon	30 September 2008
Thomas A. Mensah	Ghana	30 September 2005
P. Chandrasekhara Rao	India	30 September 2008
Joseph Akl	Lebanon	30 September 2008
David Anderson	United Kingdom of Great Britain and Northern Ireland	30 September 2005

Order of precedence	*Country*	*Date of expiry of term of office*
Rüdiger Wolfrum	Germany	30 September 2008
Tullio Treves	Italy	30 September 2011
Mohamed Mouldi Marsit	Tunisia	30 September 2005
Tafsir Malick Ndiaye	Senegal	30 September 2011
José Luis Jesus	Cape Verde	30 September 2008
Guangjian Xu	China	30 September 2011
Jean-Pierre Cot	France	30 September 2011
Anthony Amos Lucky	Trinidad and Tobago	30 September 2011

6. Since 1 October 2005, the composition of the Tribunal has been as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President		
Rüdiger Wolfrum	Germany	30 September 2008
Vice-President		
Joseph Akl	Lebanon	30 September 2008
Judges		
Hugo Caminos	Argentina	30 September 2011
Vicente Marotta Rangel	Brazil	30 September 2008
Alexander Yankov	Bulgaria	30 September 2011
Anatoly Lazarevich Kolodkin	Russian Federation	30 September 2008
Choon-Ho Park	Republic of Korea	30 September 2014
Paul Bamela Engo	Cameroon	30 September 2008
L. Dolliver M. Nelson	Gernada	30 September 2014
P. Chandrasekhara Rao	India	30 September 2008
Tullio Treves	Italy	30 September 2011
Tafsir Malick Ndiaye	Senegal	30 September 2011
José Luis Jesus	Cape Verde	30 September 2008
Guangjian Xu	China	30 September 2011

Order of precedence	*Country*	*Date of expiry of term of office*
Jean-Pierre Cot	France	30 September 2011
Anthony Amos Lucky	Trinidad and Tobago	30 September 2011
Stanislaw Pawlak	Poland	30 September 2014
Shunji Yanai	Japan	30 September 2014
Helmut Türk	Austria	30 September 2014
James Kateka	United Republic of Tanzania	30 September 2014
Albert Hoffmann	South Africa	30 September 2014

7. The Registrar is Philippe Gautier (Belgium) and the Deputy Registrar is Doo-young Kim (Republic of Korea).

II. Organization of the Tribunal

A. Changes in the composition of the Tribunal

8. The fourteenth Meeting of States Parties decided that the triennial election to fill the positions of seven members whose terms of office were to expire on 30 September 2005 would be held during the fifteenth Meeting of States Parties (see SPLOS/119, para. 103 (g)).

9. Acting pursuant to article 4, paragraph 2, of the Statute, the Registrar, in a note verbale dated 12 January 2005, invited Governments of States Parties to the Convention to submit by 11 March 2005 the names of candidates they might wish to nominate for election as members of the Tribunal. An alphabetical list of all persons nominated, with an indication of the States Parties which nominated them, was prepared by the Registrar and submitted to the States Parties as document SPLOS/124 of 21 March 2005. The States Parties were informed of the withdrawal of two nominations from the list of candidates by documents SPLOS/124/Add.1 of 14 April 2005 and SPLOS/124/Add.2 of 18 May 2005.

10. On 22 June 2005, the fifteenth Meeting of States Parties re-elected Judges Nelson and Park and elected Albert Hoffmann, James Kateka, Stanislaw Pawlak, Helmut Türk and Shunji Yanai judges, for a nine-year term starting from 1 October 2005.

B. Solemn declaration

11. Pursuant to article 11 of the Statute, every member of the Tribunal is required, before taking up his duties, to make a solemn declaration that he will exercise his powers impartially and conscientiously. The declaration is to be made at the first public sitting at which the member is present.

12. The solemn declaration provided for in article 5 of the Rules was made by Judges Pawlak, Yanai, Türk, Kateka and Hoffmann at a public sitting of the Tribunal on 1 October 2005. Pursuant to paragraph 3 of that article, re-elected members were not required to make a new declaration.

C. Election of the President and the Vice-President

13. On 1 October 2005, the judges elected Judge Rüdiger Wolfrum President of the Tribunal and Judge Joseph Akl Vice-President. The President and the Vice-President entered upon their functions forthwith. As provided for in article 12 of the Statute, the President and the Vice-President are both elected for a term of three years.

III. Chambers

A. Seabed Disputes Chamber

14. In accordance with article 35, paragraph 1, of the Statute, the Seabed Disputes Chamber consists of 11 judges selected by the members of the Tribunal from among themselves. The members of the Chamber are selected triennially.

15. Pursuant to article 23 of the Rules, the terms of office of members selected on 2 October 2002 expired on 30 September 2005. The term of office of one judge, who had been selected in accordance with article 35, paragraph 6, of the Statute, to fill a vacancy in the Chamber, also expired on 30 September 2005. The composition of the Chamber, in order of precedence, was as follows: Judge Marsit, President; Judges Caminos, Yankov, Park, Mensah, Chandrasekhara Rao, Anderson, Jesus, Xu, Cot and Lucky, members.

16. During the twentieth session, on 4 October 2005, the Tribunal selected the members of the Seabed Disputes Chamber. As required by the Statute, the judges of the Chamber were selected in such a manner as to ensure the representation of the principal legal systems of the world and equitable geographical distribution. The members of the Chamber entered upon their duties forthwith and elected Judge Caminos President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Caminos, President; Judges Kolodkin, Park, Treves, Jesus, Lucky, Pawlak, Yanai, Türk, Kateka and Hoffmann, members.

17. The terms of office of the members of the Chamber expire on 30 September 2008.

B. Special chambers

1. Chamber of Summary Procedure

18. The Chamber of Summary Procedure is established in accordance with article 15, paragraph 3, of the Statute and consists of five members and two alternates. In accordance with article 28 of the Rules, the President and the Vice-President of the Tribunal are ex officio members of the Chamber, with the President of the Tribunal serving as President of the Chamber. The Chamber is constituted annually.

19. During the twentieth session of the Tribunal, on 4 October 2005, the Chamber was constituted for the period from 1 October 2005 to 30 September 2006. The members of the Chamber, in order of precedence, are as follows: President Wolfrum; Vice-President Akl; Judges Yankov, Nelson and Ndiaye, members; Judges Treves and Yanai, alternates.

2. Chamber for Fisheries Disputes

20. The Chamber for Fisheries Disputes, established in accordance with article 15, paragraph 1, of the Statute, consists of seven members. As decided by the Tribunal, the members of the Chamber are selected for a three-year term.

21. The terms of office of the members of the Chamber selected on 2 October 2002 expired on 30 September 2005. The composition of the Chamber, in order of precedence, was as follows: Judge Caminos, President; Judges Yamamoto, Kolodkin, Park, Wolfrum, Ndiaye and Jesus, members.

22. During the twentieth session, on 4 October 2005, the Tribunal selected the members of the Chamber for Fisheries Disputes. The members of the Chamber entered upon their duties forthwith and elected Judge Treves President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Treves, President; Judges Marotta Rangel, Chandrasekhara Rao, Jesus, Pawlak, Yanai and Kateka, members.

23. The terms of office of the members of the Chamber expire on 30 September 2008.

3. Chamber for Marine Environment Disputes

24. The Chamber for Marine Environment Disputes, established in accordance with article 15, paragraph 1, of the Statute, consists of seven members. As decided by the Tribunal, the members of the Chamber are selected for a three-year term.

25. The terms of office of the members of the Chamber, selected on 2 October 2002, expired on 30 September 2005. The composition of the Chamber, in order of precedence, was as follows: Judge Treves, President; Judges Marotta Rangel, Yankov, Bamela Engo, Akl, Anderson and Xu, members.

26. During the twentieth session, on 4 October 2005, the Tribunal selected the members of the Chamber for Marine Environment Disputes. The members of the Chamber entered upon their duties forthwith and elected Judge Lucky President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Lucky, President; Judges Yankov, Park, Xu, Türk, Kateka and Hoffmann, members.

27. The terms of office of the members of the Chamber expire on 30 September 2008.

4. Chamber under article 15, paragraph 2, of the Statute

28. Pursuant to article 15, paragraph 2, of the Statute, the Tribunal shall form a chamber for dealing with a particular dispute, if the parties so request. The composition of such a chamber is determined by the Tribunal with the approval of the parties in the manner provided for in article 30 of the Rules.

29. By Order dated 20 December 2000, the Tribunal formed a Special Chamber of five judges to deal with a dispute between Chile and the European Community concerning the conservation and sustainable exploitation of swordfish stocks in the South-Eastern Pacific Ocean.

30. The composition of the Special Chamber to deal with the case is as follows: Judge Chandrasekhara Rao, President; Judges Caminos, Yankov and Wolfrum and Judge ad hoc Orrego Vicuña, members.

IV. Meetings of the Tribunal

31. The Special Chamber of the Tribunal formed to deal with a dispute between Chile and the European Community concerning the conservation and sustainable exploitation of swordfish stocks met on 28 and 29 December 2005. In addition, the Tribunal held two sessions devoted essentially to legal matters having a bearing on the judicial work of the Tribunal and other organizational and administrative matters. The nineteenth session of the Tribunal was held from 7 to 18 March 2005 and the twentieth session from 26 September to 7 October 2005.

V. Judicial work of the Tribunal

Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community)

32. Following an agreement between Chile and the European Community, the Tribunal, by Order dated 20 December 2000, formed a Special Chamber to deal with a dispute between Chile and the European Community concerning the conservation and sustainable exploitation of swordfish stocks. By the same Order, the Tribunal fixed the time limits for the filing of preliminary objections and of the written pleadings.[1]

33. On 9 March 2001, the parties informed the President of the Special Chamber that they had reached a provisional arrangement concerning the dispute and requested that the proceedings before the Chamber be suspended. By Order of 15 March 2001, the President of the Special Chamber extended the time limit of 90 days for the making of preliminary objections, so that it would commence from 1 January 2004. Further to a new request of the parties, the President of the Special Chamber extended the time limit for making preliminary objections until 1 January 2006, by Order dated 16 December 2003.

34. By letters dated 1 December 2005 and 5 December 2005, respectively, Chile and the European Community requested that the time limits for the proceedings before the Special Chamber continue to be suspended for a further period of two years and reserved their rights to revive the proceedings at any time.

35. On 28 and 29 December 2005, the Special Chamber held deliberations in order to consider the request of the parties. Prior to the meeting of the Chamber, at a public sitting held on 28 December 2005, Judge ad hoc Orrego Vicuña was sworn in as a member of the Chamber. He made his solemn declaration under article 9 of the Rules via a telephone link between Santiago and Hamburg, Germany.

36. Pursuant to consultations between the President of the Special Chamber and the Agents of the parties, the parties provided the Special Chamber with further written information in support of their request. By Order dated 29 December 2005, the Special Chamber extended the time limit for making preliminary objections until 1 January 2008 and maintained the rights of the parties to revive the proceedings at any time.

VI. Communications and information concerning action taken pursuant to judgements and orders of the Tribunal

The "Juno Trader" Case (Saint Vincent and the Grenadines v. Guinea-Bissau), Prompt Release

37. By a communication dated 1 February 2005, the Deputy Agent of Saint Vincent and the Grenadines communicated information to the Tribunal concerning difficulties that had been encountered by the shipowner of the *Juno Trader* concerning the terms and posting of the bank guarantee with the authorities of Guinea-Bissau. On 29 March 2005, counsel for Saint Vincent and the Grenadines informed the Registrar that, following a confidential agreement dated 18 March 2005 between the representatives of Guinea-Bissau and the *Juno Trader*, the *Juno Trader* had been released and had left the exclusive economic zone of Guinea-Bissau on 27 March 2005.

Case concerning Land Reclamation by Singapore in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures

38. On 5 September 2003, a Request for the prescription of provisional measures under article 290, paragraph 5, of the Convention, pending the constitution of an arbitral tribunal under annex VII to the Convention, was submitted to the Tribunal by Malaysia against Singapore in a dispute concerning land reclamation by Singapore in and around the Straits of Johor. On 8 October 2003, the Tribunal made an Order prescribing provisional measures, including, in paragraph 106 (1) (a) (i) thereof, the establishment of a group of independent experts with the mandate to conduct a study to determine the effects of Singapore's land reclamation and to propose, as appropriate, measures to deal with any adverse effects of such land reclamation. Following issuance of the Order, the arbitral tribunal was constituted and the group of independent experts was established by the parties. On 26 April 2005, Malaysia and Singapore signed a settlement agreement to terminate the case upon agreed terms. In the settlement agreement, the parties referred to the said Order of the Tribunal, in particular, paragraph 106 (1) (a) (i) thereof, by which the parties were requested to establish a group of independent experts. In the settlement agreement, the parties agreed that the recommendations of the group of experts provided the basis for an amicable, full and final settlement of the dispute. On 1 September 2005, upon the joint request of the parties, the arbitral tribunal rendered a final award in accordance with the terms specified in the settlement agreement.

VII. Committees

39. During its twentieth session, on 4 October 2005, the Tribunal reconstituted its committees for the period ending 30 September 2006.[2]

A. Committee on Budget and Finance

40. The members of the Committee on Budget and Finance selected on 4 October 2005 are as follows: Vice-President Akl, Chairman; Judges Yankov, Treves, Jesus, Lucky, Yanai, Türk and Hoffmann, members.

B. Committee on Rules and Judicial Practice

41. The members of the Committee on Rules and Judicial Practice selected on 4 October 2005 are as follows: President Wolfrum, Chairman; Vice-President Akl, Judges Caminos (ex officio member), Marotta Rangel, Yankov, Kolodkin, Nelson, Chandrasekhara Rao, Treves, Ndiaye, Jesus, Cot, Yanai and Kateka, members.

C. Committee on Staff and Administration

42. The members of the Committee on Staff and Administration selected on 4 October 2005 are as follows: Judge Cot, Chairman; Judges Caminos, Kolodkin, Nelson, Chandrasekhara Rao, Xu, Türk and Kateka, members.

D. Committee on Library and Publications

43. The members of the Committee on Library and Publications selected on 4 October 2005 are as follows: Judge Ndiaye, Chairman; Judges Caminos, Marotta Rangel, Park, Bamela Engo, Treves, Cot and Pawlak, members.

E. Committee on Buildings and Electronic Systems

44. The members of the Committee on Buildings and Electronic Systems selected on 4 October 2005 are as follows: Judge Park, Chairman; Judges Bamela Engo, Xu, Pawlak, Türk and Hoffmann, members.

F. Committee on Public Relations

45. During its twentieth session, on 4 October 2005, the Tribunal decided to establish a Committee on Public Relations and constituted it as follows: Judge Jesus, Chairman; Judges Caminos, Yankov, Nelson, Chandrasekhara Rao, Treves, Cot, Kateka and Hoffmann, members.

46. The Committee on Public Relations is responsible for preparing and proposing measures to promote the work of the Tribunal with a view to the wider dissemination of practical information on the activities of the Tribunal, and for maintaining its relations with other international organizations and institutions,

international bodies and conferences dealing with international law, law of the sea and maritime law.

VIII. Rules of the Tribunal and supplementary documents

47. During its nineteenth and twentieth sessions, the Tribunal dealt with legal and judicial matters, including a review of the Rules and judicial procedures of the Tribunal. The review was undertaken both in the Committee on Rules and Judicial Practice and in the plenary. In considering such legal and judicial matters, the Tribunal followed closely the developments of the rules of procedure of the International Court of Justice and other international courts and tribunals. Some of the main issues that were considered are addressed below.

A. Implementation of articles 111 and 112 of the Rules

48. During the nineteenth session, the plenary of the Tribunal and the Committee on Rules and Judicial Practice discussed the issue of the implementation of articles 111 and 112 of the Rules where a statement in response is not submitted by a respondent within the time limit specified in article 111, paragraph 4, of the Rules. After having examined the matter, the Tribunal considered that it was not necessary for amendments to be made to the Rules or the Guidelines concerning the Preparation and Presentation of Cases before the Tribunal.

B. Access to case-related documents

49. During the nineteenth session of the Tribunal, the Committee on Rules and Judicial Practice discussed, on the basis of a document prepared by the Registry, the question of access to case-related documents under article 67 of the Rules. The Tribunal endorsed the recommendations made by the Committee in that regard.

C. Contributions towards the expenses of the Tribunal

50. During the nineteenth and twentieth sessions, the Committee on Rules and Judicial Practice examined, on the basis of background papers prepared by the Registry, the question of expenses relating to cases brought by an entity other than a State Party or the International Seabed Authority. The Committee took note of the information contained in the documents.

D. Rules regarding evidence

51. During the nineteenth and twentieth sessions, the plenary of the Tribunal and the Committee on Rules and Judicial Practice considered, on the basis of background papers presented by the Registry, the practice followed by international courts and tribunals with regard to the use of experts in maritime delimitation cases.

52. During the nineteenth session, the Tribunal took note of the information presented by the Registry regarding safeguards prescribed by national jurisdictions for the presentation of video films and evidence by video link.

F. Guide to proceedings before the Tribunal

53. During the twentieth session, the plenary of the Tribunal and the Committee on Rules and Judicial Practice examined a draft guide prepared by the Registry regarding proceedings before the Tribunal. The purpose of the guide is to provide advocates, counsel and government legal advisers with practical information explaining the manner in which cases are instituted and conducted before the Tribunal. The guide will be available at the beginning of 2006.

F. Bonds and other financial security

54. During the twentieth session, the Committee on Rules and Judicial Practice gave consideration to a study prepared by the Registry on the rules regarding the posting of a bond determined by the Tribunal in proceedings for the prompt release of vessels and crews. The Committee took note of the document.

G. Implementation of the decisions of the Tribunal

55. During the nineteenth and twentieth sessions, the plenary of the Tribunal and the Committee on Rules and Judicial Practice examined, on the basis of documents presented by the Registry, the issue of implementation of the decisions of the Tribunal. The Tribunal took note of the information contained in the documents.

H. Matters relating to the Seabed Disputes Chamber

56. During the period under review, the members of the Seabed Disputes Chamber exchanged views on developments regarding the work of the International Seabed Authority and some procedural aspects of contentious proceedings and advisory proceedings before the Chamber.

IX. Privileges and immunities

A. General Agreement

57. The Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, adopted by the seventh Meeting of States Parties on 23 May 1997, was deposited with the Secretary-General of the United Nations and opened for signature at Headquarters for 24 months as from 1 July 1997 (see SPLOS/24, para. 27). The Agreement entered into force on 30 December 2001, 30 days after the date of deposit of the tenth instrument of ratification or accession. At the closing date for signature, 21 States had signed the Agreement. As at 31 December 2005, 22 States had ratified or acceded to it.

B. Headquarters Agreement

58. The Headquarters Agreement between the Tribunal and the Government of the Federal Republic of Germany was signed on 14 December 2004 by the President of

the Tribunal and the State Secretary of the Federal Foreign Office of Germany. The Agreement will enter into force on the first day of the month following the date of receipt of the last of the notifications by which the Tribunal and the Federal Republic of Germany have informed each other of the completion of their respective formal requirements for the entry into force of the Agreement. Pending the entry into force of the Agreement, the relations with the host country are governed by an interim ordinance adopted by the host country in 1996, which applies, mutatis mutandis, the relevant provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947.

59. The Headquarters Agreement defines the legal status of the Tribunal in Germany and regulates the relations between the Tribunal and the host country. It contains provisions on matters such as the law applicable to the headquarters district, the immunity of the Tribunal, its property, assets and funds, and the privileges, immunities and exemptions to be accorded to the Members of the Tribunal and its officials, as well as to Agents representing parties, counsel and advocates and witnesses and experts who are required to appear before the Tribunal.

X. Relations with the United Nations

A. Observer status in the General Assembly

60. On 24 October 2005, President Wolfrum addressed the Informal Meeting of Legal Advisers of Ministries of Foreign Affairs in New York.

61. At the fifty-fifth plenary meeting of the sixtieth session of the General Assembly, on 28 November 2005, President Wolfrum delivered a statement under agenda item 75 (a), entitled "Oceans and the law of the sea" (see www.itlos.org).

B. Relationship Agreement with the United Nations

62. At its nineteenth and twentieth sessions, the Registrar reported to the Tribunal on developments regarding the implementation of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea.

XI. Relations with other organizations and bodies

63. During the period under review, administrative arrangements on cooperation were concluded between the Registry of the Tribunal and the following organizations or bodies: the International Bureau of the Permanent Court of Arbitration and the United Nations Environment Programme.

XII. Premises of the Tribunal

64. The terms and conditions under which the premises are made available by the Federal Republic of Germany to the Tribunal are established in the Agreement between the International Tribunal for the Law of the Sea and the Government of

the Federal Republic of Germany on the Occupancy and use of the premises of the International Tribunal for the Law of the Sea in the free and Hanseatic city of Hamburg, of 18 October 2000.

65. A meeting between the Registry and the competent German authorities took place on 18 November 2005 to discuss issues regarding the premises of the Tribunal. On that occasion, the question of the future extension of library space in the premises was examined and an agreement *ad referendum* was reached on the subject.

XIII. Finances

A. Budgetary matters

1. Budget of the Tribunal for 2007-2008

66. During the twentieth session, the Committee on Budget and Finance gave preliminary consideration to the Tribunal's budget for 2007-2008 on the basis of the proposals presented by the Registrar.

2. Adjustment of the remuneration of the members of the Tribunal

67. The fifteenth Meeting of States Parties approved, as an interim measure, the proposal presented by the Tribunal that the annual remuneration of the members of the Tribunal be increased to the level of the emoluments of the members of the International Court of Justice, i.e. US$ 170,080, effective 1 January 2005; the pensions in payment were adjusted accordingly. The Meeting also authorized the Registrar, in the event of the Tribunal being unable to meet expenditures for 2005-2006 from approved appropriations made in the budget line "Special allowances of judges", to incur expenditure to the extent that the shortfall in appropriation results from an increase in daily subsistence allowance as fixed by the United Nations (see SPLOS/135, para. 49, SPLOS/132).

68. The Meeting authorized the Tribunal to finance overexpenditures referred to in the paragraph above by transfers between appropriation sections as far as possible and by using part of the savings of US$ 500,000 from the financial period 2002, up to an amount of €115,500. In addition, the Registrar was requested to report on all relevant implications concerning any action taken pursuant to their decision (see SPLOS/135, para. 49, SPLOS/132).

3. Effects of fluctuations in exchange rate on the remuneration of the members of the Tribunal

69. Following a proposal submitted by the Tribunal, the fifteenth Meeting of States Parties decided to apply to the annual allowance and the special allowance of the members of the Tribunal, effective 1 July 2005, the same floor/ceiling mechanism as is applicable to the emoluments of the judges of the International Court of Justice. The Meeting authorized the Tribunal to finance overexpenditures due to the application of the floor/ceiling mechanism by using part of the savings of the financial period 2002 up to an amount of €263,000 and those from the financial period 2004 up to an amount of €150,000. Furthermore, the Meeting approved a supplementary budget of €351,899 for the financial period 2005-2006 and requested

the Registrar to report to the sixteenth Meeting of States Parties on any action taken pursuant to that decision (see SPLOS/135, para. 52, SPLOS/133).

4. Report on budget performance

70. At its nineteenth session, the Tribunal considered the report presented by the Registrar concerning the budget performance for 2004.

B. Status of contributions

71. As at 31 December 2005, 88 States Parties had made contributions to the 2005 budget, totalling €6,384,386, while 61 States Parties had not made any payments with respect to their assessed contributions for 2005. The balance of unpaid contributions with respect to the 2005 budget was €688,972.

72. Furthermore, assessed contributions amounting to €1,514,125 in respect of the 1996-1997, 1998, 1999, 2000, 2001, 2002, 2003 and 2004 budgets were still pending as at 31 December 2005.

73. The balance of unpaid contributions with respect to the overall budget of the Tribunal amounted to €2,203,097. In December 2005, the Registrar sent notes verbales to the States Parties concerned, reminding them of their outstanding contributions to the budgets of the Tribunal.

C. Financial Regulations and Rules

74. The Financial Regulations of the Tribunal, adopted by the thirteenth Meeting of States Parties on 12 June 2003, became effective on 1 January 2004. The Financial Regulations apply to the financial period 2005-2006 and to subsequent financial periods.[4]

75. Pursuant to financial regulation 10.1 (a), the Registrar should establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy. In accordance with this provision, the Tribunal, at its seventeenth session, approved the Financial Rules, which had been prepared by the Registrar and reviewed by the Committee on Budget and Finance. The Financial Rules were submitted to the fourteenth Meeting of States Parties for its consideration. The Meeting took note of the Financial Rules of the Tribunal, which, according to rule 114.1, became effective on 1 January 2005 (see SPLOS/120).

D. Reports of the auditor for 2003 and 2004

76. In accordance with the Financial Regulations of the United Nations, which were applicable mutatis mutandis to the Tribunal, arrangements were made for the accounts of the Tribunal to be audited by an internationally recognized auditing firm.

77. The audit report for 2003 was submitted by the Tribunal to the fifteenth Meeting of States Parties. The Meeting considered and took note with appreciation of the report (see SPLOS/135, para. 30).

78. The audit report for the financial year 2004 was presented by the Registrar at the twentieth session of the Tribunal. The auditor, having reviewed the transactions and operations over that period, was satisfied that the annual financial statements gave a true and fair view of the net assets, financial position and results of operations of the Tribunal in accordance with principles of proper accounting and with the Financial Regulations of the United Nations, which were applied mutatis mutandis. The Tribunal took note of the audit report for 2004 and requested that the report be submitted to the sixteenth Meeting of States Parties.

E. Appointment of the auditor for 2005-2008

79. After considering the information presented by the Tribunal pursuant to financial regulation 12.1, regarding the appointment of an auditor for the financial periods 2005-2006 and 2007-2008, the fifteenth Meeting of States Parties appointed BDO Deutsche Warentreuhand (see SPLOS/135, para. 33).

F. Trust funds and donations

80. On 30 October 2000, the General Assembly, in resolution 55/7 entitled "Oceans and the law of the sea", requested the Secretary-General to establish and administer a voluntary trust fund to assist States in the settlement of disputes by the Tribunal. The trust fund was subsequently established and is operational.

81. According to information provided by the Division for Ocean Affairs and the Law of the Sea, contributions to the trust fund were made by the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Finland and financial statements of the trust fund showed as at 31 December 2005 a balance of US$ 70,621.17. No contribution was made to the fund in 2005.

82. In 2004, the Korea International Cooperation Agency provided a grant for funding the participation of interns from developing countries in the internship programme of the Tribunal. A trust fund has been established by the Registrar for this purpose pursuant to regulation 6.5 of the Financial Regulations of the Tribunal.

XIV. Administrative matters

A. Staff Regulations and Staff Rules

83. During the nineteenth session, the Registrar reported to the Tribunal on amendments to the Staff Regulations and Staff Rules concerning the salary scale and the pensionable remuneration for staff in the Professional and higher categories, as well as the salary scale for staff in the General Service category. In addition, during the twentieth session, the Registrar reported to the Tribunal on amendments to staff rules 106.2, 106.3, 107.1, 109.10, 110.4 to 110.7 and 112.3. Those amendments to the Staff Regulations and Staff Rules were made to ensure compatibility with United Nations practice. The Tribunal took note of the amendments.

84. During the twentieth session, the Committee on Staff and Administration exchanged views on two documents prepared by the Registry concerning the

classification of posts and the procedure for the selection of candidates for vacant posts.

B. Staff recruitment

85. The Tribunal continued the recruitment process for both Professional and General Service staff. At the end of 2005, the status of the recruitment process was as follows:

(a) recruitment completed for the posts of Associate Administrative Officer (Contributions/Budget) (P-2), Translator/Reviser (P-4), Information Technology Officer (P-3) and Press Officer (P-2);

(b) recruitment completed for one General Service post.

A list of the staff members of the Tribunal as at 31 December 2005 is contained in annex II to the present report.

86. Temporary personnel were recruited to assist the Tribunal during its nineteenth and twentieth sessions and the Special Chamber constituted to deal with the *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean* in connection with the meeting of the Chamber in December 2005.

C. Language classes at the Tribunal

87. English and French classes for staff members were held at the Tribunal in 2005. In addition, during the nineteenth session, the Committee adopted a policy regarding German classes according to which new staff members would be entitled to the reimbursement of 50 per cent of the costs for classes with a limit of €900 per year provided that the classes take place outside working hours. As to other staff members, special leave with full pay should be granted for a maximum of 12 days over a period of two years.

D. Staff Pension Committee

88. During the nineteenth and twentieth sessions, the Committee on Staff and Administration considered the need to establish a staff pension committee in the Registry on the basis of proposals presented by the Registry. The Tribunal recommended that a document be prepared and submitted to the Meeting of States Parties containing proposals for nominating a member and alternate member of the committee.

E. Internship programme

89. The internship programme of the Tribunal was established in 1997. In 2004, the Korea International Cooperation Agency (KOICA) Grant was set up to assist candidates from developing countries in covering the costs incurred by participating in the Tribunal's internship programme. As at the end of 2005, a total of 138 interns

from 54 States had participated in the programme, with 32 interns benefiting from funding from the KOICA Grant.

90. During 2005, 30 persons served periods of internship at the Tribunal. A list of the persons who participated in the internship programme during 2004 is contained in annex III to the present report.

91. An information sheet and the application form for the programme can be obtained from the Registry or from the Tribunal website (www.itlos.org and www.tidm.org).

XV. Buildings and electronic systems

A. Requirements for the permanent premises

92. During the nineteenth and twentieth sessions of the Tribunal, the Registrar presented reports to the Tribunal on requirements for the permanent premises, including the telephone system, the extension of the Library, buildings arrangements, electronic systems and courtroom technology. The reports were reviewed by the Committee on Buildings and Electronic Systems.

B. Use of the premises and public access

93. The following events were organized on the premises of the Tribunal during 2005:

(a) Seminar: "International Maritime Organizations and their Functions", 4-5 February 2005, organized by the Law of the Sea and Maritime Law Institute of the University of Hamburg;

(b) Seminar: "Maritime talks on 'Flag State responsibilities — A need for improved implementation schemes?'", 12 March 2005, organized by the International Foundation for the Law of the Sea, in cooperation with the Bucerius Law School, the Law of the Sea and Maritime Law Institute of the University of Hamburg and the Federal Maritime and Hydrographic Agency, Hamburg/Rostock;

(c) Conference: "The pollution of the seas -- prevention and compensation", 7 May 2005, organized by the International Max Planck Research School for Maritime Affairs;

(d) Symposium: "The Limits of the Continental Shelf Beyond 200 Nautical Miles", 25 September 2005, organized by the International Foundation for the Law of the Sea, in cooperation with the Bucerius Law School, the Law of the Sea and Maritime Law Institute of the University of Hamburg and the Federal Maritime and Hydrographic Agency, Hamburg/Rostock;

(e) Meeting of the Verband Deutscher Verkehrsunternehmen (German Transporters' Association), 3-4 November 2005, organized by the Hamburg Port Authority;

(f) Meeting of the working group on European and International Labour and Social Law of the German labour court on "The development of job freedom and freedom of settlement within the EU — Expatriates in Europe — An evaluation

from the point of view of European, German, Polish and Swiss labour and social law", 11 and 12 November 2005;

(g) Meeting of the Presidency of the Max Planck Society, 15 December 2005.

94. In addition, the premises of the Tribunal were visited by approximately 2,200 people during organized tours in 2005.

XVI. Library facilities

95. During the nineteenth and twentieth sessions, the Registrar reported on several matters pertaining to the Library, including the collections, the online databases and the bibliography, and the archives. In addition, the Tribunal examined the matter of the extension of the Library. Given the limited space initially allocated to library collections in the building, the Tribunal is faced with the need to extend the space required by the Library. A proposal which would involve moving the main Library to the first-level basement floor of the premises and extending the space for library collections was examined in consultation with the German authorities. Both sides agreed ad referendum to a cost-sharing agreement in which the host country would bear 60 per cent of the cost while the Tribunal would take 40 per cent as its share.

96. A list of donors to the Library is contained in annex I to the present report.

XVII. Publications

97. The status of the Tribunal's publications was reviewed by the Committee on Library and Publications during the nineteenth and twentieth sessions of the Tribunal.

98. During the period under review, the following volumes were published:

(a) *ITLOS Yearbook 2004, TIDM Annuaire 2004*;

(b) *ITLOS Reports of Judgements, Advisory Opinions and Orders 2004*;

(c) *Basic Texts — Textes de base (2005)*.

99. A brochure on the Tribunal, which had already been available in English, French and German, was also issued in Arabic, Chinese, Russian and Spanish.

XVIII. Public relations

100. During the twentieth session, the Committee on Public Relations gave consideration to a set of measures to promote the work of the Tribunal, including the celebration of the tenth anniversary of the Tribunal, the dissemination of information on the Tribunal and the participation of Tribunal representatives in international legal meetings.

XIX. Visit by the European Commissioner for Fisheries and Maritime Affairs

101. Joe Borg, Commissioner for Fisheries and Maritime Affairs of the European Union, visited the Tribunal on 2 September 2005. He gave a statement entitled "Oceans and the Law of the Sea: towards new horizons" in the courtroom of the Tribunal. On that occasion, Mr. Borg was welcomed by the then-President of the Tribunal, Judge Nelson, who made a statement, which is available on the Tribunal website (www.itlos.org).

XX. Diplomatic day

102. On 6 October 2005, the Tribunal hosted, at its headquarters, the first information session on the work of the Tribunal for the diplomatic corps accredited in Germany. Diplomatic and consular representatives of 53 States and representatives of international organizations based in Germany and of the German Foreign Office attended the event. On that occasion, President Wolfrum delivered a statement, which is available on the Tribunal website (www.itlos.org).

XXI. Public information and website

103. The Tribunal publicized its work by means of its website, press releases and briefings by the Registry and by distribution of its judgments, orders and publications.

104. The website can be accessed at the following addresses: www.itlos.org and www.tidm.org. The texts of the judgements, orders and verbatim records of hearings of the Tribunal are available on the website, together with other information about the Tribunal.

105. In 2005, Judges and staff members of the Registry also delivered lectures and published papers on the work of the Tribunal.

XXII. Future work

106. The Tribunal decided to hold its twenty-first session from 6 to 17 March 2006 to deal with legal matters having a bearing on the judicial work of the Tribunal and other organizational and administrative matters. It further decided that the dates for the twenty-second session would be 18 to 29 September 2006.

Notes

[1] For the composition of the Special Chamber, see para. 30.

[2] For the terms of reference of the committees, see SPLOS/27, paras. 37-40, and SPLOS/50, paras. 36-37.

[3] German Ordinance on the Privileges and Immunities of the International Tribunal for the Law of the Sea of 10 October 1996.

[4] Financial regulation 14.1.

Annex I

List of Donors to the Library of the International Tribunal for the Law of the Sea (2005)*

Bundesforschungsanstalt für Fischerei, Hamburg, Germany

Center for the Study of Marine Policy, Graduate College of Marine Studies, University of Delaware, Newark, Delaware, United States of America

Comité Maritime International, Antwerp, Belgium

Division for Ocean Affairs and the Law of the Sea of the United Nations, New York, New York, United States of America

European Commission, Directorate-General for Fisheries, Brussels, Belgium

European Commission, Office of Publications, Luxembourg

European Court of Human Rights, Strasbourg, France

Institute of International Public Law and International Relations of Thessaloniki, Thessaloniki, Greece

Inter-American Court of Human Rights, San José, Costa Rica

Inter-American Tropical Tuna Commission, La Jolla, California, United States of America

The International Center for Ethics, Justice and Public Life, Brandeis University, Waltham, Massachusetts, United States of America

International Court of Justice, The Hague, Netherlands

International Criminal Tribunal for Rwanda, Arusha, United Republic of Tanzania

International Criminal Tribunal for the Former Yugoslavia, The Hague, Netherlands

Liaison Office with the United Nations, International Labour Organization, New York, New York, United States of America

International Maritime Organization, London, United Kingdom

Office of the Registrar, Administrative Tribunal of the International Monetary Fund, Washington, D.C., United States of America

International Seabed Authority, Kingston, Jamaica

International Transport Workers Federation, London, United Kingdom of Great Britain and Northern Ireland

International Whaling Commission, Cambridge, United Kingdom of Great Britain and Northern Ireland

Inter-Parliamentary Union, Geneva, Switzerland

Japan Branch of the International Law Association, University of Tokyo, Faculty of Law, Tokyo, Japan

* As of 24 January 2006.

Japanese Society for International Law, Tokyo, Japan

Uwe Jenisch, Kiel, Germany

Professor Barbara Kwiatkowska, The Netherlands Institute for the Law of the Sea, Utrecht, Netherlands

Dierk Lindemann, Hamburg, Germany

Mare, Die Zeitschrift der Meere, Hamburg, Germany

Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, Heidelberg, Germany

James Nolan, New York, New York, United States of America

Northwest Atlantic Fisheries Organization, Dartmouth, Canada

Christophe Nouzha, Strasbourg, France

Peace Palace Library, The Hague, Netherlands

Partnerships in Environmental Management for the Seas of East Asia (PEMSEA), Manila, Republic of the Philippines

Shabtai Rosenne, Jerusalem, Israel

SOS Attentats, Paris, France

TRAFFIC International, Cambridge, United Kingdom

United Nations University Press, New York, New York, United States of America

Verification Research, Training and Information Centre (VERTIC), London, United Kingdom

Walther-Schücking-Institut für Internationales Recht an der Universität Kiel, Kiel, Germany

World Food Programme, Rome, Italy

World Meteorological Organization, Geneva, Switzerland

World Trade Organization, Geneva, Switzerland

Annex II

Information on staff (2005)

Professional and higher posts

Name	*Title*	*Country of Nationality*	*Level of Post*	*Level of Incumbent*
Gautier, Philipe	Registrar	Belgium	ASG	ASG
Kim, Doo-young	Deputy Registrar	Republic of Korea	D-2	D-2
Slark, Garry M.	Chief of Administration	United Kingdom	P-5	P-5
Chérif, Lamine	Head of Conference and Linguistic Services	Tunisia	P-5	P-5
Schaffer, Ellen	Librarian	United States of America	P-4	P-4
Sodhi, Gurpreet S.	Head of Budget and Finance	United States of America	P-4	P-4
Savadogo, Louis	Legal Officer	Burkina Faso	P-4	P-4
Hinrichs, Ximena	Legal Officer	Chile	P-4	P-4
Guy, Pauline	Translator/Reviser (English)	United Kingdom	P-4	P-4
Bowes, Elisabeth	Legal Officer	Australia	P-3	P-3
Sentabyo, Méthode	Translator (French)	Rwanda	P-3	P-3
Gbadoe, Alfred	Information Technology Officer	Germany	P-3	P-3
Gaba Kpayedo, Kafui	Administrative Officer (Support/Building Management)	Togo	P-2	P-2
Suarez, Suzette	Associate Legal Officer	Philippines	P-2	P-2
Cummings, Philippa	Archivist	Canada	P-2	P-2
Ritter, Koman	Associate Administrative Officer (Contributions/Budget)	Germany	P-2	P-2
Ritter, Julia	Press Officer	United Kingdom	P-2	P-2

Total Professional and higher posts: 17

General Service posts

Name	*Title*	*Country of Nationality*	*Level of Post*	*Level of Incumbent*
Prieto, Luis	Computer Systems Assistant	Spain	G-7	G-7
Vorbeck, Antje	Administrative Assistant (Personnel)	Germany	G-7	G-7
Bothe, Andreas	Building Coordinator	Germany	G-7	G-7
Egert, Anke	Publications/Personal Assistant (Registrar)	Germany	G-7	G-7
Winkelmann, Jacqueline	Administrative Assistant (Procurement)	Germany	G-7	G-7
Becker, Martine	Linguistic Assistant/Judiciary Support	France	G-6	G-6
Nas, Ellen	Personal Assistant (President)	Netherlands	G-6	G-6
Albiez, Berit	Linguistic Assistant/Judiciary Support	Germany	G-6	G-6
Hartmann-Vereshchak, Svitlana	Finance Assistant	Ukraine	G-6	G-6
Vacant	Administrative Assistant (Contributions)		G-6	
Sadler, Gerardine	Administrative Assistant	Singapore	G-5	G-5
Bartlett, Emma	Personnel Assistant	United Kingdom	G-5	G-5
Borchert, Anne-Charlotte	Personal Assistant (Deputy Registrar)	France	G-5	G-5
Vacant	Finance Assistant (Accounts Payable)		G-5	
Duddek, Sven	Senior Security Officer/Building Superintendent	Germany	G-4	G-4
Karanja, Elizabeth	Conference/Documentation Assistant	Kenya	G-4	G-4
Drews, Svenja	Library Assistant	Germany	G-4	G-4
Marzahn, Inga	Receptionist/Administrative Support	Germany	G-3	G-3
Ntinugwa, Chuks	Security Officer/Driver	Germany	G-3	G-3
Aziamble, Papagne	Security Officer/Driver	Togo	G-3	G-3

Total posts: 20

Annex III

Information on Interns (2005)

Name	Country	Period
Abdessalem, Mouna	Tunisia	01.11.04-31.01.05
Abushov, Kavus	Azerbaijan	01.03.05-28.04.05
Antanova, Ekaterina	Russia	02.05.05-30.06.05
Berglund, Marko	Finland	01.09.05-28.10.05
Boltenko, Olga	Russia	01.02.05-31.03.05
Chakraborty, Anshuman	India	15.12.04-14.02.05
Cordlandwehr, Kea	Germany	15.02.05-29.07.05
Danzouma, Oumarou	Cameroon	01.09.05-28.10.05
Diagne, Mbenda	Senegal	03.10.05-30.11.05
Friedland, Julia	Germany	01.04.05-30.06.05
Giaba, Solenne	France	04.01.05-28.02.05
Harrington, Catilin	USA	04.07.05-09.09.05
Kunoy, Bjørn	Denmark	01.08.05-30.09.05
Membreño, Gabriela	Honduras	01.11.05-22.12.05
Mon, Sanda	Myanmar	04.07.05-31.08.05
Nogueira de S. Patu, Georgia	Brazil	01.06.05-29.07.05
Ould Dedde Ould Hamady, Omar	Mauritania	01.11.04-31.01.05
Popa, Roxana	Romania	04.07.05-31.08.05
Preap, Pintheary	Cambodia	01.03.05-01.04.05
Rieckmann, Svenja	Germany	01.02.05-31.05.05
Schneider, Tom	France	01.11.04-31.01.05
Sharma, Ajit	India	01.11.05-27.01.06
Turmanidze, Sergo	Georgia	01.02.05-31.03.05
Wallrabenstein, Tilo	Germany	01.11.05-31.01.06
Wendel, Philip	Germany	03.10.05-30.12.06
Velavellel, Tiey	India	01.09.05-28.10.05
Velin, Camille	France	04.04.05-30.06.05

Name	Country	Period
Yin, Masothy	Cambodia	01.03.05-31.05.05
Zeilinger, Anton	Austria	02.05.05-30.06.05
Zhu, Ling	China	01.11.05-30.12.05